

HOUSE No. 4166

The Commonwealth of Massachusetts

PRESENTED BY:

Marie P. St. Fleur

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

AN ACT TO REFORM EDUCATION IN PUBLIC SCHOOLS THROUGH THE CREATION
OF IN-DISTRICT CHARTER SCHOOLS WITH PAY-FOR-PERFORMANCE.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marie P. St. Fleur	5th Suffolk
Anthony W. Petrucci	First Suffolk and Middlesex
Carlo P. Basile	1st Suffolk
Angelo M. Scaccia	14th Suffolk
John A. Hart, Jr.	First Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REFORM EDUCATION IN PUBLIC SCHOOLS THROUGH THE CREATION OF IN-DISTRICT CHARTER SCHOOLS WITH PAY-FOR- PERFORMANCE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

CHAPTER 69A. Measures to Improve Underperforming Schools.

Section 1. As used in this chapter, the following words shall have the following meanings, unless
the context requires otherwise:

“Educator,” any teacher, principal, vice or assistant principal, director, guidance counselor,
school psychologist, school adjustment counselor, school social worker, school nurse, library
media specialist, school business administrator, or other personnel required to hold a
provisional or standard teaching certificate.

“Eligible applicants,” the following persons and entities shall be eligible applicants for the
purposes of establishing an in-district charter school: (1) parents; (2) educators; (3)
principals; (4) superintendents; (5) colleges and universities; (6) community-based
organizations; (7) non-profit business or corporate entities; (8) charter school operators; (9)
education management organizations; (10) private schools; (11) educational collaboratives;
and (12) any person or entity authorized by the school committee.

“In-District Charter School,” a conversion of an underperforming school or a new school
proposed by eligible applicants.

“Pay for Performance,” a monetary incentive that may implemented by the superintendent
and offered to teams of educators at In-District Charter Schools.

“Performance contract,” a contract between school leadership and the school committee
designed to assess In-District Charter Schools across multiple measures of school
performance and student success. The performance contract shall include measurable annual
goals and objectives that may include but are not limited to the following: (1) student

attendance; (2) student safety and discipline; (3) student promotion and graduation; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic performance; (6) progress among subgroups of students, including low-income students, English-Language Learners, and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of 21st – century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) professional development for educators; (11) parent and family engagement; (12) student health and wellness, including socio-emotional development; (13) building a culture of academic success among students; and (14) building a culture of student support and success among faculty and staff.

“School committee,” any school committee of any city or town or any regional district school committee, elected or appointed.

“Underperforming school,” a school that consistently fails to improve the academic performance of its students in accordance with regulations devised by local school committee.

Section 2. Notwithstanding any general or special law to the contrary, the local school committee shall be authorized to establish regulations for determining when a school is underperforming.

Section 3. Upon a determination by the superintendent that a school is underperforming, the superintendent may, subject to the formal approval of the school committee and in consultation with the commissioner of elementary and secondary education, designate said underperforming school as an In-District Charter School for the purpose of promoting rapid academic improvement.

- (1) Upon designation, the superintendent shall issue guidelines for the submission of In-District charter proposals for the conversion of underperforming schools to In-District Charter Schools;
- (2) In-District charter proposals may be submitted by any eligible applicants and shall include a proposed performance contract as well as a detailed charter that articulates a statement of its mission, a description of its educational approach, and an outline of goals it will be held accountable for through its performance contract;
- (3) In-District charter proposals may include plans for pay for performance implementation as well as a governance scheme that promotes flexibility and autonomy;
- (4) In-District charter proposals may include a plan to collaborate with before and after-school service providers and other external partners for the purpose of furthering the In-District Charter School mission;
- (5) In-District charter proposals shall be submitted to the superintendent for review in accordance with the established guidelines;
- (6) Proposals meeting the guidelines established by the superintendent may be forwarded to the school committee for final approval;
- (7) The school committee will accept or reject these nominations through a simple majority vote.

Section 4. The superintendent may accept proposals for new In-District Charter Schools.

Section 5. In-District Charter Schools shall be subject to a performance contract.

- (1) The performance contracts shall include specific goals for student achievement and engagement, parental involvement, and professional development for educators.
- (2) The superintendent shall evaluate and report to the school committee on the progress of the schools toward achieving the goals set forth in these performance contracts at regular intervals.
- (3) If an In-District Charter School fails to meet the goals of the contract, the school committee may close the school.
- (4) Subject to the approval of the school committee, the superintendent will create specific guidelines for performance contracts before granting approval to any In-District Charter Schools.
- (5) Performance contracts shall be resubmitted for approval by request of the Superintendent, which shall occur at least every five years from the date of initial approval.

Section 6. An In-District Charter School shall be a public school, operating within the local public school district.

- (1) As such, In-District Charter Schools shall be funded through the existing local public school's budget process.

Section 7. Distinct from Commonwealth Charter Schools and Horace Mann Charter Schools, there is no specific limit to the number of In-District Charter Schools. The number of In-District Charter Schools will be determined by the number of underperforming schools.

Section 8. The Superintendent shall, subject to the approval of the local school committee, adopt one or more extraordinary measures to promote the rapid improvement of In-District Charter Schools, including:

- (1) removal of the principal, other administrators, or teachers, as applicable, without any regard to the provisions of Sections 41 and 42 of Chapter 71 of the General Laws, or the provisions of any collective bargaining agreement;
- (2) the limitation, suspension, or termination of all or part of any contract or collective bargaining agreement, as such contract or collective bargaining agreement applies to the school; or
- (3) such other actions contained in the performance contract to promote rapid improvement.

Section 9. The superintendent, in consultation with the commissioner of elementary and secondary education and subject to the approval of the local school committee, may implement a "pay for performance" initiative for In-District Charter Schools.

- (1) "Pay for performance" is designed to encourage teachers to further their knowledge and instructional skills with the ultimate goal of improving student performance in underperforming schools.

(2) Notwithstanding the requirements set forth above, the structure of “pay for performance” may otherwise be specifically tailored in each In-District Charter school proposal to the superintendent.

(3) The school committee shall promulgate regulations created by the superintendent governing the eligibility and distribution of pay for performance funds; pay for performance shall be included in performance contracts for in-district charter schools.

Section 10. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B, or Plan F charter; by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of a municipality with a town meeting form of government; or by a majority vote of the town council, in the case of a municipality with a town council form of government. The provisions of this section shall take effect on the first day of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate.